

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: : **CHAPTER 13**
TRACEY JEANIA FELDER : **CASE NO. A16-67299-CRM**
DEBTOR : :

CHAPTER 13 TRUSTEE'S OBJECTION TO
CONFIRMATION AND MOTION TO DISMISS CASE

COMES NOW, Nancy J. Whaley, the Standing Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1.

The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (65 months).

2.

The Debtor's payments under the proposed plan are not current, thus indicating that this plan is not feasible. 11 U.S.C. 1325(a)(6).

3.

The Chapter 13 Trustee is unable to determine the feasibility of the Debtor's Chapter 13 Plan because Internal Revenue Service records indicate tax returns have not been filed for the period ending December 31, 2015. The failure to file tax returns for the four (4) year period prior to the filing of the bankruptcy case is in violation of 11 U.S.C. Section 1308.

4.

The Debtor has failed to provide to the Trustee a copy of the 2015 tax return filed with Internal Revenue Service in violation of 11 U.S.C. Section 521(e)(2)(A).

5.

Debtor has failed to file tax returns with the tax authorities for the four (4) year period prior to filing in violation of 11 U.S.C. Section 1308. (2015)

6.

The Chapter 13 Trustee requests proof of the post-petition mortgage payments in order to determine feasibility of proposed plan pursuant to 11 U.S.C. 1325(a)(6).

7.

The Chapter 13 schedules fail to include correct employment information for the Debtor , thereby preventing the Trustee from evaluating the feasibility of the Chapter 13 plan in violation of 11 U.S.C. Section 1325(a)(6).

8.

According to Debtor's pay advices, she does not have any tax withholdings. The Debtor's Chapter 13 plan and schedules are inaccurate; the Trustee is unable to determine either the duration or feasibility of the proposed plan. 11 U.S.C. Sections 1322(d) and 1325(a)(6).

9.

After review of scheduled income and anticipated household expenses, Debtor's proposed budget may fail to provide sufficient funds for ordinary living expenses in possible violation of 11 U.S.C. Section 1325(a)(6).

10.

The Chapter 13 schedules fail to reflect the Debtor's income of \$2,500.00 per month, thereby preventing the contribution of all projected disposable income to this plan in possible violation of 11 U.S.C. 1325(b)(1)(B).

11.

The Chapter 13 plan proposes to pay \$4,500.00 to the Debtor's attorney for payment of attorney fees. Due to the apparent lack of complexity of the case, the Trustee is unable to determine whether this is a reasonable fee and would request that Debtor's counsel appear at Confirmation and be prepared to present evidence to the Court regarding the reasonableness of the requested fee.

12.

The Debtor is proposing a zero percent (0%) dividend payment to nominal unsecured debt totaling \$1,713.00, which may violate 11 U.S.C. Section 1325(a)(3).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtor's plan, and to dismiss the case.

Respectfully submitted,

/s/
Ryan J. Williams,
Attorney for Chapter 13 Trustee
GA Bar No. 940874
303 Peachtree Center Ave., NE,
Suite 120
Atlanta, GA 30303
(678) 992-1201

/jlr

CERTIFICATE OF SERVICE

Case No: A16-67299-CRM

This is to certify that I have this day served the following with a copy of the foregoing Chapter 13 Trustee's Objection to Confirmation and Motion to Dismiss by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

Debtor(s):

TRACEY JEANIA FELDER
128 MONTCLAIR PL
ELLENWOOD, GA 30294

Office of the U.S. Trustee:

OFFICE OF THE U.S. TRUSTEE
ATTN: JENEANE TREACE
ATTN: DAVID WEIDENBAUM
75 TED TURNER DRIVE, S.W.
SUITE 362
ATLANTA, GA 30303

By Consent of the parties, the following have received an electronic copy of the foregoing Chapter 13 Trustee's Objection to Confirmation and Motion to Dismiss through the Court's Electronic Case Filing system.

Attorney for the Debtor(s):

KING & KING LAW LLC
karen.king@kingkingllc.com

This the 14th day of November, 2016.

/s/ _____

Ryan J. Williams
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